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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/516,918	07/08/2005	Meinhard Schwefer	09600-00026-US	5228
30678	7590	03/14/2008		
CONNOLLY BOVE LODGE & HUTZ LLP			EXAMINER	
1875 EYE STREET, N.W.			VANOY, TIMOTHY C	
SUITE 1100				
WASHINGTON, DC 20036			ART UNIT	PAPER NUMBER
			1793	
			MAIL DATE	DELIVERY MODE
			03/14/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/516,918	<b>Applicant(s)</b> SCHWEFER ET AL.
	<b>Examiner</b> TIMOTHY C. VANOV	<b>Art Unit</b> 1793

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 11 February 2008.  
 2a) This action is FINAL.      2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-22 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-14 is/are allowed.  
 6) Claim(s) 15-22 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on 06 December 2004 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO/145/08)  
 Paper No(s)/Mail Date \_\_\_\_\_
- 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date \_\_\_\_\_  
 5) Notice of Informal Patent Application  
 6) Other: \_\_\_\_\_

**DETAILED ACTION**

***Priority***

Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 22 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

a) In claim 22, the phrase "in particular" renders the claims vague and indefinite because preferences and examples are properly set forth in the specification rather than the claims: please see section 2173.05(d) in the MPEP.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 15-21 are rejected under 35 U.S.C. 102(b) as being anticipated by WO 01/51181 A1 to Schwefer et al. *Please note that US 2003/0143141 A1 is relied on as an English translation of WO 01/51181 A1.*

The English abstract of WO-181 describes a method and apparatus for removing NO<sub>x</sub> and N<sub>2</sub>O out of process gases and exhaust gases, comprising:

passing the contaminated gas through a first reaction zone containing an iron-loaded zeolite so that N<sub>2</sub>O is removed from the contaminated gas;

injecting ammonia into the contaminated gas, and

passing the ammonia/contaminated gas mixture through a second reaction zone also containing an iron-loaded zeolite so that NO<sub>x</sub> is removed from the gas.

Pg. 7 Ins. 22-33 in the text of WO-181 seems to teach that the reaction zones are operated at a temperature of less than 500 °C; the reaction zones are operated at a pressure of 1 to 50 bars, and the gas passing through the reaction zones are at a space velocity ranging from 2 to 200,000 hours<sup>-1</sup>.

In particular, note that paragraph no. 0028 in US 2003/0143141 A1 (the English equivalent of WO-181) discloses that the form of the catalyst may be that of a tubular reactor or a radially-arranged basket reactor, which appears to meet the "hollow cylinder" limitations of Applicants' claim 15.

Claims 1-14 and 22 have not been rejected under either 35USC102 or 35USC103 because the Applicants have persuasively shown that the process of WO 01/51181 A1 describes the reduction of the N<sub>2</sub>O gas to levels ranging from 1 to 200

ppm over the first catalyst bed (see pg. 5 Ins. 21-23 in WO 01/51181 A1 and also see paragraph no. 0026 in the English equivalent US 2003/0143141 A1). The Applicants' independent claims 1 and 22 require the reduction of the N<sub>2</sub>O to levels that are greater than 200 ppm after passage over the first catalyst bed.

***Response to Arguments***

Applicants' arguments submitted with the Amendment filed on Feb. 11, 2008 with respect to the 35USC103 rejection of the claims 1-14 over WO 01/51181 A1 to Schwefer have been fully considered and are persuasive.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TIMOTHY C. VANOVY whose telephone number is (571)272-8158. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stanley Silverman, can be reached on 571-272-1358. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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